

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1189 of 1986

Date of decision: 01-10-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KESRISINH AMARSINH RATHOD

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR RR MARSHALL for Petitioner

MR Kaushal Thakkar for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/10/96

ORAL JUDGEMENT

Heard the learned counsel for the parties.

The petitioner has approached this court making grievance that the action of the respondent Board in demanding Rs.38000 towards electricity consumption in respect of electricity connection installed at the tube well of the petitioner is illegal. It appears to be a case of some defect found in the meter. The counsel for the respondent has brought to the notice of this court that condition No.35 of the Conditions and Miscellaneous

Charges for Supply of Electrical Energy provides remedy in the cases of disconnection for malpractice, and the petitioner has approached the appellate forum, but what decision has been given during the pendency of this special civil application has not been informed by his client to him. Similar is the position of the counsel for the petitioner who is also unable to say what ultimately has been decided by the appellate authority in the matter. However, the fact remains that the petitioner is protected by this court by granting interim relief and his disconnected electric supply has been connected and he is enjoying the same. The matter would be decided by the appellate authority and as such this writ petition is disposed of with the direction that whatever decision given by the appellate authority shall be binding on both the parties. Rule discharged. No order as to costs.

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